
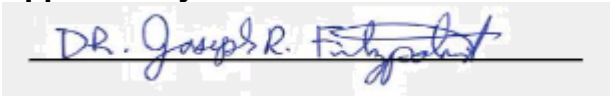


POLICY TITLE: DEVELOPING, IMPLEMENTING, AND REVISING DEPARTMENTAL POLICIES		PAGE 1 OF 9
POLICY NUMBER: 1.7		
CHAPTER 1: ADMINISTRATION, ORGANIZATION, AND MANAGEMENT		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
EFFECTIVE DATE: July 26, 2004	LATEST REVISION: December 10, 2018	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Entire Maine Department of Corrections

III. POLICY

Policies serve a vital role in establishing and maintaining comprehensive, uniform, and professional practices in the daily administration and operation of the Department of Corrections. It is essential that policies be developed, implemented, and revised consistent with law and best practices. Crucial to the success of Departmental policies is the input received from correctional administrators, line staff, and subject matter experts.

IV. DEFINITIONS

1. Non-substantive correction - a correction of a spelling, punctuation, pagination, or grammatical error or a change in wording that does not change meaning or content.
2. Staff - an employee of the Department of Corrections and any person providing services to prisoners, residents, or community corrections clients under contract or by agreement with the Department.

V. CONTENTS

- Procedure A: Department Policies, General
- Procedure B: Policy Development and Revision
- Procedure C: Notification, Implementation, and Access

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VI. ATTACHMENTS

- Attachment A: List of Correctional Administrators
- Attachment B: Policy Development, Revision, and Review form (paper/online)

VII. PROCEDURES

Procedure A: Department Policies, General

1. All Department policies shall be issued under the signature of and implemented under the direction of the Commissioner of Corrections.
2. Non-substantive corrections may be made to a policy by the Department’s Policy Development Coordinator without the Commissioner’s signature.
3. The Department’s Policy Development Coordinator shall manage the policy development and revision process for the Department and serve as the administrator for the Department’s online document management system.
4. The Department’s policies shall be maintained electronically in the Department’s online document management system and shall be accessible to all Department staff, volunteers, and student interns, except for confidential polices, which are limited to staff designated by the Commissioner, or designee, for Central Office staff, Chief Administrative Officers for facility staff, and Regional Correctional Administrators for community corrections staff.
5. The Commissioner, Chief Administrative Officers, and Regional Correctional Administrators and their respective designees are permitted to keep paper copies of Department policies, provided that confidential policies are maintained in a secure manner.
6. In addition to the above, the Department’s Policy Development Coordinator shall maintain a master policy manual, which is to be kept current, as well as maintain files containing copies of all policies which have been superseded.
7. All staff, volunteers, and student interns shall be responsible for reading and understanding all policies which they are assigned and shall acknowledge their understanding by signing the policies in the Department’s online document management system. Staff, volunteers, and student interns shall address any questions they may have about a policy with the appropriate supervisor prior to signing the policy.
8. All supervisors shall ensure that staff, volunteers, and student interns under their supervision have signed assigned policies.

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9. If a policy has attachments or forms, all Department staff, volunteers, and student interns shall use those attachments and forms and only those attachments and forms.
10. The Department's Policy Development Coordinator shall be responsible for, but not limited to, the following:
 - a. establishing practices that allow staff to participate in the development and revision of policies;
 - b. establishing practices that allow for appropriate input from agencies that the Department is involved with in joint matters to participate in policy development, coordinated planning, and interagency consultation;
 - c. tracking staff requests for new or revised policies;
 - d. ensuring format consistency and clarity of content in policies;
 - e. notifying staff, volunteers, and student interns of new or revised policies and providing a synopsis of a new policy or revised policy;
 - f. ensuring that policies and any attachments are published in the Department's online document management system;
 - g. ensuring that non-confidential policies are posted on the Department's public website;
 - h. managing and documenting the promulgation of rules;
 - i. preparing an annual report on policy matters;
 - j. assisting in policy audits, as requested;
 - k. serving as a resource person to staff for policy issues;
 - l. processing requests from staff to the Department's legal representative in the Attorney General's Office for legal advice concerning policy issues as set out in Department Policy 1.8, Legal Assistance; and
 - m. responding to requests from external agencies on policy issues.
11. Each facility Chief Administrative Officer shall ensure:
 - a. that facility Standard Operating Procedures (SOPs) governing facility specific practices comply with Department policies and are made available to appropriate staff; and
 - b. there is a process in place for an annual review of SOPs for revisions as necessary to ensure compliance.
12. Any facility Chief Administrative Officer, or designee, may request an internal audit on any policy as set forth in Department Policy 1.5.1, Correctional Operations Assessments.
13. Any provision of this policy may be suspended by the Commissioner at any time for any reason in his or her complete discretion.

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Procedure B: Policy Development and Revision

1. The Department's Policy Development Coordinator shall develop an annual review schedule for each Department policy and shall notify all correctional administrators (see Attachment A) of policies scheduled for review on or about the first of each month.
2. The Department's Policy Development Coordinator shall assign the review of each policy to one or more correctional administrators whose area of responsibility is associated with the policy subject area.
3. The reviewer(s) shall document the review and indicate whether or not a revision is needed in the Department's online document management system.
4. Department staff may suggest a new policy or a revision to a policy prior to the annual review of the policy to incorporate a change in a statute, court ruling, professional standard, or a correctional practice or to address a newly discovered issue, by completing a Policy Development and Revision form (Attachment B).
5. Facility or community corrections staff may submit the form through the chain-of-command to the appropriate facility Chief Administrative Officer, or designee, or Regional Correctional Administrator, or designee, as applicable, who, if he or she approves of the request, shall forward the form to the Policy Development Coordinator.
6. Central Office staff may submit the form through the chain-of-command to the Associate Commissioner, or designee, or Deputy Commissioner, or designee, as applicable, who, if he or she approves of the request, shall forward the form to the Policy Development Coordinator.
7. Approved requests for policy revisions shall be held by the Policy Development Coordinator until the next annual review unless the Coordinator determines an earlier revision might be warranted.
8. If an administrator assigned to conduct an annual review of a policy indicates a revision is needed or if a staff request for a new policy or a revision to a policy is approved for forwarding to the Policy Development Coordinator, the Coordinator, in consultation with the Deputy Commissioner shall determine whether or not to move forward with the policy development or revision process, as applicable.
9. If moving forward with the process is determined to be appropriate, the Deputy Commissioner, or designee, may direct the Policy Development Coordinator to proceed with the policy development or revision process, as applicable, or may designate a staff member to chair a policy ad hoc committee and, in consultation with the chair of the ad hoc committee, select a committee of staff persons to include correctional administrator(s) and other staff with area(s) of responsibility pertaining to the policy and/or subject matter experts.

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10. An ad hoc committee shall be responsible for, but not limited to, the following:
 - a. review applicable professional standards and practices;
 - b. consult with the Department's legal representative in the Attorney General's Office about legal issues, if necessary;
 - c. obtain recommendations from staff, if applicable;
 - d. provide an outline of the committee's recommendations regarding the policy to the Policy Development Coordinator; and
 - e. work with the Policy Development Coordinator in development and/or revision of any attachments and/or forms necessary to the policy.

11. The Policy Development Coordinator shall:
 - a. prepare a policy draft in coordination with the ad hoc committee and/or work directly with other staff, if there is no ad hoc committee;
 - b. ensure that all applicable American Correctional Association (ACA) standards are identified and met;
 - c. distribute the draft for review to allow relevant input from, but not limited to, the following:
 - 1) appropriate correctional administrators and other appropriate staff;
 - 2) other relevant agencies, if applicable, for review and comments regarding consistency with collaborative approaches;
 - 3) appropriate service center staff if a fiscal assessment is needed; and/or
 - 4) contract bargaining units if the policy will have an impact on a work rule.

12. The Policy Development Coordinator shall consider all recommendations and input for possible inclusion into a further draft and forward the draft to appropriate correctional administrators and other applicable staff for a review.

13. When the above review is completed, the Policy Development Coordinator shall ensure that the draft is assigned to designated Central Office staff and other staff, if applicable, through the workflow approval process in the Department's online document management system. Assigned staff shall approve, disapprove and/or provide comments or additional direction, as appropriate.

14. The Policy Development Coordinator shall address issues raised by assigned staff prior to submitting the final draft to the Commissioner. Depending on the significance of the issues, additional draft reviews may be necessary to obtain approval to submit the final draft to the Commissioner.

15. If the policy falls under the Administrative Procedure Act (APA), the Policy Development Coordinator shall consult with the Department's legal representative in the Attorney General's Office to ensure compliance with the Administrative Procedure Act.

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16. Department staff may suggest a new attachment or form or a revised attachment or form related to a policy prior to the annual review of the policy by completing a Policy Development and Revision form (Attachment B), which may be submitted by the staff directly to the Policy Development Coordinator. The Policy Development Coordinator shall review the request with appropriate staff, develop or revise the attachment or form, as necessary, and notify the requesting staff of the outcome of the review.

Procedure C: Notification, Implementation, and Access

1. The Policy Development Coordinator shall ensure that new and revised policies, attachments, and forms are published in the Department’s electronic document management system prior to implementation.
2. The Department’s Director of Training, or designee, shall determine whether staff training is needed for a new or revised policy.
3. Each facility Chief Administrative Officer, or designee, or Regional Correctional Administrator, or designee, or Central Office supervisor, as applicable, shall take steps necessary to ensure implementation of a new or revised policy, attachment or form.
4. Each facility Chief Administrative Officer, or designee, shall also:
 - a. ensure that current copies of non-confidential policies are maintained in the facility library and/or other designated area(s) for prisoner or resident access;
 - b. ensure that prisoners or residents who do not have physical access to the library or other designated area(s) are provided access to non-confidential policies by making a request to the facility librarian;
 - c. develop a facility practice to ensure that notification is made to prisoners or residents, about revisions to any policy and attachments contained in the Prisoner or Resident Handbook; and
 - d. for a juvenile facility, develop a facility practice to ensure that notification is made to parents or legal guardians of minor residents, about new or revised non-confidential juvenile facility policies, when appropriate.
5. Each community corrections Regional Corrections Administrator, or designee, shall ensure that current copies of non-confidential policies are maintained in the regional office for community corrections client access.
6. A prisoner, resident, or community corrections client may purchase his or her own copy of a non-confidential policy through established practices at the facility or region at the Department’s per page cost.

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Procedure D: Access to Confidential Policies

1. A Department policy determined to be confidential shall be designated as such immediately following the page number on the first page of the policy and on the bottom of each subsequent page by marking it in red "**Confidential Policy**."
2. Access to confidential policies is limited to staff authorized by the Commissioner, or designee, for Central Office staff, Chief Administrative Officers for facility staff, and Regional Correctional Administrators for community corrections staff.
3. Copies of confidential policies maintained electronically shall be protected from viewing or other access by a prisoner, resident, community corrections client, volunteer, student intern, or other persons who are not authorized staff.
4. If paper copies of confidential policies are kept, they shall be kept in a secure environment and never stored or used in any area where a prisoner, resident, community corrections client, volunteer, student intern, or other persons who are not authorized staff may have access.
5. Confidential policies shall not be discussed in the presence of a prisoner, resident, community corrections client, volunteer, student intern, or other persons who are not authorized staff.
6. If a confidential policy is lost, stolen, or viewed or otherwise accessed by a prisoner, resident, community corrections client, volunteer, student intern, or other persons who are not authorized staff, staff shall report it to the appropriate supervisor immediately.
7. Confidential policies are not public information and a confidential policy may not be released outside the Department, in its entirety or in part, without the approval of the Commissioner, or designee.

Procedure E: Policy Formatting

1. Each policy shall be given a chapter number followed by a sequential policy number, beginning with 1 (e.g., policies in the Personnel chapter could have policies numbers of 3.1, 3.2, 3.3, 3.4, etc.).
2. The policy shall have a HEADING BLOCK which includes the Policy Title, Policy Number, Chapter Number, Effective Date, Latest Revision Date, indication if the policy requires the APA rule making process, Number of Pages, and signature of the Commissioner.
3. The policy shall be broken down into eight (8) sections as follows:
 - I. **AUTHORITY:** This section notes the legal authority for the Commissioner's adoption of the policy.

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- II. **APPLICABILITY:** This section denotes the applicability of the policy, e.g., Adult Facilities, Juvenile Facilities, Adult Community Corrections, Juvenile Community Corrections, or the Entire Department.
 - III. **POLICY:** This section set out the overall purpose of the policy.
 - IV. **DEFINITIONS:** When the meaning of terms is critical to understanding and complying with the policy, definitions are provided in this section. Policies implemented prior to the effective date of this policy will not have a definition section until a revision occurs, at which point a definition section will be included, if needed.
 - V. **CONTENTS:** This section lists the procedure titles contained in the policy.
 - VI. **ATTACHMENTS:** This section lists any attachments to the policy. Attachments may include forms or attachments that are provided for informational purposes, e.g., charts, diagrams, etc.
 - VII. **PROCEDURES:** This section contains the substance of the policy.
 - VIII. **PROFESSIONAL STANDARDS:** This section includes and applicable American Correctional Association (ACA) standards.
4. Department policies shall include a footer at the bottom of each page, after the first page, that identifies the policy title, effective or revision date, and the page number.
 5. Attachment shall include a header with a title and are designated, in the footer, as follows: name of the attachment; applicability (e.g., “(AF)” to indicate Adult Facility; policy number; the procedure where the attachment is first referenced; the alphabetical sequence of the attachment; and date of the attachment, and, if the attachment has been revised, a designation of “R” and the revision date.

Procedure F: Commissioner’s Directives

1. When there is an immediate need to revise a policy or create a new policy, as determined by the Commissioner, the Commissioner may direct the Department’s Policy Development Coordinator to submit a draft policy for his or her signature without following the above policy development and revision process or the Commissioner may issue a Commissioner’s Directive.
2. If the policy falls under the Administrative Procedure Act (APA), it may not be revised through a Commissioner’s Directive, but may be revised only through an emergency rulemaking process, after consultation with the Department’s legal representative in the Attorney General’s Office to ensure that the circumstances qualify for emergency rulemaking.
3. A Commissioner’s Directive shall be implemented immediately and remain in effect until rescinded in writing by the Commissioner or until the Directive is incorporated into a policy.

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4. In addition to the paper copy, a Commissioner’s Directive shall be published electronically in the Department’s online document management system and associated with the policy it relates to, if one exists.
5. The term “directive” shall only be used to reference a Commissioner’s Directive.

VIII. PROFESSIONAL STANDARDS

ACA:

- ACI - 4-4004** Written policy, procedure, and practice demonstrate that employees participate in the formulation of policies, procedures, and programs.
- ACI - 4-4005** Written policy, procedure, and practice demonstrate that related community agencies with which the institution has contact participate in policy development, coordinated planning, and interagency consultation.
- ACI - 4-4012** The policies and procedures for operating and maintaining the institution and its satellites are specified in a manual that is accessible to all employees and the public. This manual is reviewed at least annually and updated as needed.
- ACI - 4-4013** Each department and major administrative unit in the institution maintains and makes available to employees a manual of standard operating procedures that specifies how policies are to be implemented. These procedures are reviewed at least annually and are updated as needed.
- ACI - 4-4014** Written policy, procedure, and practice provide that new or revised policies and procedures are disseminated to designated staff and volunteers and, when appropriate, to inmates prior to implementation.
- 4-ACRS-7B-07** Procedures that describe operating and maintaining the facility are specified in a manual that is accessible to all employees.
- 4-ACRS-7B-08** Policies are reviewed at least annually and new or revised policies and procedures are made available prior to implementation to designated staff and volunteers.
- 4-ACRS-7B-09** Employees participate in the formulation of policies, procedures and programs.
- 4-JCF-6A-08** The facility administrator implements the policies of the governing authority.
- 4-JCF-6A-15** Employees participate in the formulation of policies, procedures, and programs for operating and maintaining the facility, its satellites, and operations.
 1. New or revised policies and procedures are disseminated to designated staff and volunteers and, when appropriate, to juveniles and their parent(s) or guardian prior to implementation.
 2. Policies and procedures are accessible by all employees through manuals or an electronic format.
 3. Policies and procedures are reviewed at least annually and updated, as needed.

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